

## Message Text

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ORIGIN AF-10

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DRAFTED BY AF/E:PGSMITH  
APPROVED BY AF:WCHARROP  
AF/E: JDWHITING (DRAFT)  
S/CPR: AMB. ROCKWELL  
-----006291 141258Z /53

P 131647Z OCT 77  
FM SECSTATE WASHDC  
TO AMEMBASSY LUSAKA PRIORITY

C O N F I D E N T I A L STATE 245770

E.O. 11652: GDS

TAGS: PDIP, ZA, US

SUBJECT: PROBLEM WITH ZAMBIAN EMBASSY

1. A PROBLEM HAS ARISEN BETWEEN THE DE-  
PARTMENT AND THE ZAMBIAN EMBASSY OVER THE EMBASSY'S RE-  
QUEST THAT ZAMBIAN IMF EXECUTIVE DIRECTOR WILA D'ISRAELI  
MUNGOMBA,WHO HOLDS A G-1 VISA, BE ACCREDITED AS MINISTER  
COUNSELOR (ECONOMIC ) OF THE EMBASSY, AND BE ACCORDED  
DIPLOMATIC PRIVILEGES AND IMMUNITIES CONSISTENT WITH THE  
LATTER STATUS.

2. IN LATE JUNE, S/CPR HAD SOUGHT TO CLARIFY THE CRITERIA  
FOR ACCREDITATION OF DIPLOMATIC PERSONNEL . TO THIS END,  
A CIRCULAR DIPLOMATIC NOTE WAS SENT TO ALL FOREIGN MISS-  
IONS HERE . ONE PURPOSE OF THE CLARIFICATION WAS TO END  
THE PRACTICE OF EMBASSIES SEEKING ACCREDITATION FOR NA-  
TIONALS OF THEIR COUNTRIES WHO WERE IN THE UNITED STATES  
PRIMARILY IN CAPACITIES WITH INTERNATIONAL ORGANIZATIONS,  
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ON THE BASIS THAT THOSE INDIVIDUALS ALSO FUNCTIONED AS  
MEMBERS OF EMBASSY STAFFS. THE CRITERIA ESTABLISHED BY  
THE NOTE MADE IT CLEAR THAT IN ORDER FOR A PERSON TO BE  
ACCREDITED AS A MEMBER OF A DIPLOMATIC MISSION, THAT PER-  
SON MUST PREDOMINANTLY SERVE AS A MEMBER OF THAT MISSION.  
IT WAS ALSO DECIDED THAT THESE CRITERIA SHOULD APPLY FROM  
THE DATE OF THE NOTE, AND THAT PERSONS WHOSE ACCREDITATION

HAD PREVIOUSLY BEEN OBTAINED IN VIOLATION OF THESE CRITERIA SHOULD NOT BE STRIPPED OF THEIR STATUS.

3. GIVEN THAT HIS IMF POSITION APPEARED TO BE FULL TIME, S/CPR CONCLUDED THAT MUNGOMBA COULD NOT BE ACCREDITED AS A MEMBER OF THE ZAMBIAN EMBASSY. ANTICIPATING AN ADVERSE ZAMBIAN REACTION, S/CPR IN ITS NOTE TO THE ZAMBIAN EMBASSY DISAPPROVING MUNGOMBA'S ACCREDITATION ALSO NOTED THAT HE WOULD APPEAR TO QUALIFY FOR THE EXTENSION OF DIPLOMATIC PRIVILEGES AND IMMUNITIES UNDER THE UN HEADQUARTERS AGREEMENT, IN THAT HE APPEARED TO BE THE CHIEF ZAMBIAN REPRESENTATIVE TO THE IMF. IT WAS SUGGESTED THAT THE ZAMBIANS SEEK THE CONCURRENCE OF THE MANAGING DIRECTOR OF IMF IN GRANTING PRIVILEGES AND IMMUNITIES TO MUNGOMBA ON THIS BASIS, WHEREUPON THE DEPARTMENT WOULD DO SO.

4. AT HIS REQUEST, AMBASSADOR NGONDA CALLED ON ASSISTANT CHIEF OF PROTOCOL HAMPTON DAVIS ON OCT. 4. IN A RATHER HEATED PRESENTATION ("ON INSTRUCTIONS", ACCORDING TO NGONDA), THE AMBASSADOR:

-- DENOUNCED THE DEPARTMENT'S UNWILLINGNESS TO MAKE AN EXCEPTION FOR MUNGOMBA, SAYING THAT IF WE HAD RETROACTIVELY STRIPPED OTHERS OF ACCREDITATION NOT IN KEEPING WITH THE NEW CRITERIA, THE GRZ WOULD HAVE FOUND IT EASIER TO ACCEPT OUR ACTION IN THIS CASE;  
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-- SAID THAT HE COULD NOT ACCEPT S/CPR'S SUGGESTION OF AN ALTERNATIVE ROUTE TO DIPLOMATIC STATUS, BECAUSE PRESIDENT KAUNDA HAD PERSONALLY INSTRUCTED THAT MUNGOMBA SHOULD BE ACCREDITED AS A MEMBER OF THE EMBASSY. NGONDA ADDED THAT MUNGOMBA'S POSITION WITH IMF WAS NOT SOLELY AS THE ZAMBIAN REPRESENTATIVE IN ANY CASE, BUT AS EXECUTIVE DIRECTOR FOR ANGLOPHONE AFRICA;

-- NOTED THAT ZAMBIA HAD RECENTLY MADE SPECIAL EXCEPTIONS IN FAVOR OF THE UNITED STATES EMBASSY IN LUSAKA, SPECIFICALLY PERMITTING US TO EXCEED THE NORMAL CEILING OF 15 MISSION MEMBERS AND, EVEN MORE IMPORTANTLY, PERMITTING AMERICAN MILITARY PERSONNEL -- MARINE GUARDS -- TO BE ATTACHED TO THE US EMBASSY;

-- SAID THAT HE HAD NOT REPORTED OUR INITIAL REFUSAL TO LUSAKA BECAUSE HE KNEW THAT KAUNDA WOULD BE ANGRY AND HE DID NOT WANT THIS PROBLEM TO CAST A PALL OVER OUR RELATIONS;

-- HINTED THAT IF WE CONTINUED TO REFUSE THE EMBASSY'S RE-

QUEST, ZAMBIA MIGHT RETALIATE IN KIND;

5. IN RESPONSE TO NGONDA'S PRESENTATION, DAVIS ASKED FOR TIME TO STUDY THE MATTER FURTHER, AND ALSO THAT NGONDA NOT REPORT TO LUSAKA YET. NGONDA REPLIED THAT SINCE WE WERE RECONSIDERING, HE WOULD AUTHORIZE ISSUANCE OF VISAS TO THE FIRST THREE MARINE GUARDS, WHOSE VISA APPLICATIONS WERE THEN PENDING AT THE EMBASSY.

6. TO SUM UP, NGONDA IS EQUATING THE MUNGOMBA REQUEST AND OUR REQUESTS -- FOR MARINE GUARDS AND THE CONCOMITANT EXPANSION OF OUR EMBASSY --WHICH THE GRZ HAS ALREADY GRANTED. HE IS SAYING THAT IF WE FAIL TO BE FORTHCOMING  
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IN RESPONSE TO THE MUNGOMBA REQUEST, OUR OVERALL RELATIONS WILL BE AFFECTED. THERE IS ALSO A SUGGESTION THAT THE GRZ MIGHT RETALIATE BY WITHDRAWING PERMISSION FOR THE MARINE GUARD DETACHMENT.

7. WE CAN ONLY SPECULATE ON WHY NGON A HAS TAKEN THISLINE.. IT APPEARS THAT HIS STAFF FAILED TO TAKE NOTE OF THE NEW CRITERIA, SUBMITTED THE MUNGOMBA APPLICATION IN PRO FORMA STYLE, AND HAVE BEEN SCRAMBLING SINCE THEN TO AVOID ADMITTING THE ERROR. OBVIOUSLY, INFORMAL CONTACT WITH THE DESK COULD HAVE AVOIDED THE CONFRONTATIONAL ATMOSPHERE WHICH NGONDA HAS NOW CREATED.

8. S/CPR WOULD OF COURSE PREFER TO HOLD TO ITS REVISED CRITERIA, SINCE AN EXCEPTION FOR MUNGOMBA WOULD MAKE IT DIFFICULT TO REFUSE EXCEPTIONS TO OTHERS. THERE IS AMPLE PRECEDENT FOR PERSONS SITTING AS EXECUTIVE DIRECTORS OF IMF TO BE GRANTED DIPLOMATIC PRIVILEGES AND IMMUNITIES AS PRINCIPAL REPRESENTATIVES OF THEIR COUNTRIES. NGONDA'S REFUSAL TO CONSIDER THIS ROUTE STRIKES US AS NEEDLESSLY INFLEXIBLE, OR PERHAPS SIMPLY THE RESULT OF AN OVERCAUTIOUS ADHERENCE TO THE LETTER OF LUSAKA'S INSTRUCTIONS.

9. NEVERTHELESS, S/CPR IS WILLING, IF AF BELIEVES THAT THE CONSEQUENCES OF CONTINUED REFUSAL WOULD BE SERIOUS ENOUGH, TO MAKE AN EXCEPTION FOR MUNGOMBA. FROM AF'S POINT OF VIEW, THAT WOULD BE THE SIMPLEST ANSWER. WE DO NOT WANT TO LET A QUESTION LIKE THIS DAMAGE OUR LARGER INTERESTS. AND THE ZAMBIANS HAVE IN FACT MADE SOME EXCEPTIONS FOR US IN LUSAKA (THOUGH NOT ONLY FOR US, AS NGONDA IMPLIED).

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QPM AT THE SAME TIME, WE HAVE NEVER CHALLENGED ZAMBIA'S RIGHT TO IMPOSE RESTRICTIONS ON THE SIZE OR COMPOSITION OF OUR EMBASSY, THE TRAVEL OF OUR PERSONNEL WITHIN ZAMBIA, AND MOST RECENTLY ON OUR ACCESS TO GOVERNMENT AND UNIP PERSONNEL. WE QUESTION WHETHER IT IS DESIRABLE FOR US TO CONTRIBUTE FURTHER TO THE ASYMMETRY AT THIS LEVEL OF OUR RELATIONSHIP BY MAKING AN EXCEPTION FOR MUNGOMBA.

11. BEFORE PROCEEDING FURTHER, DEPARTMENT WOULD APPRECIATE AMBASSADOR LOW'S COMMENTS ON THE PROBLEM AND IDEAS ON HOW WE SHOULD DEAL WITH IT. VANCE

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## Message Attributes

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